

From: Vendlinski, Tim
Sent: Thursday, November 21, 2013 5:17 PM
To: 'Riddle, Diane@Waterboards'
Cc: Cabrera-Stagno, Valentina; Foresman, Erin
Subject: proposed framing for our discussion about Phase 1 (Bay Delta WQCP) 10:30-12:30 Friday 11/22/13
Importance: High

Hi Diane:

Thanks again for making time to meet with us on Friday.

We'd like to focus on Phase 1 and the points previously noted by Erin (pasted in below).

We'd also like to discuss State Board's progress in Phase I, the EPA process for reviewing and approving or disapproving Water Quality Standards (WQS), and collaboration on Phase I and Phase II through the Bay-Delta Seniors meeting and the Bay-Delta Team meetings.

I'm providing some background information to support our discussion of the EPA WQS approval process. We will be evaluating the narrative objective and program of implementation through the lens of our regulatory program under CWA section 303. In recent years, EPA has observed considerable variation from state-to-state in the way water quality standards are being formulated to protect designated uses. We appreciate flexible and innovative approaches as long as the resulting WQS advance the goal for fishable/swimmable waters, but EPA is increasingly concerned that this is not always the case.

In October 2012, EPA released a set of FAQs that help one navigate a 4-point test to determine whether or not a given criterion constitutes a "water quality standard". I previously sent the FAQs to Les Grober, and I've pasted-in the link below for your reference.

<http://water.epa.gov/scitech/swguidance/standards/cwa303faq.cfm>

As more is revealed about proposed refinements to the narrative objective and program of implementation, we will be measuring the refinements against the 4-point test, and we will begin formulating our approach for acting on the Phase 1 plan once it is finalized and formally proposed by SWRCB. We want to completely understand SWRCB's authorities, perspectives, obligations, and constraints; and we hope SWRCB will have an increasing appreciation for EPA's role toward ensuring protection of beneficial uses on a nationwide scale. This will help eliminate surprises and minimize disagreement. Once EPA has formally received the package, we will need to initiate ESA Section 7 consultation with FWS and NMFS to ensure their natural resources are protected by whatever course of action is being pursued by EPA. Our meeting tomorrow is an important step in this long journey together.

See you in the morning! Tim

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From: Foresman, Erin [<mailto:Foresman.Erin@epa.gov>]
Sent: Tuesday, November 12, 2013 9:22 AM
To: Riddle, Diane@Waterboards
Cc: Cabrera-Stagno, Valentina; vendlinski.tim@epa.gov
Subject: RE: Date & time for narrative objective discussion

Hi Diane,

...I'll describe what we want to discuss regarding the narrative objective here.

We want to discuss a few things about the narrative objective:

- Applying the objective annually instead of seasonally
- Removing the phrase "together with other reasonably controllable measures in the San Joaquin River Watershed"
- Referencing the CV Chinook doubling objective and/or
- Defining the term viable

These are the items that we'd like to talk to your team about so that the objective is measurable and enforceable. We understand that the San Joaquin River settlement process is working on quantitative targets for for the Stanislaus. We are wondering how you see that process working into the narrative objective or potentially the definition of viable in the narrative objective.

I attached our comment letter and a list of EPA approved narrative flow objectives just for easy references. The focus at R9 in water permit approvals and from EPA HQ is 'measurable and enforceable' so we're trying to be consistent with those efforts. The "together with other reasonable controllable measures in the San Joaquin River watershed" is problematic for achieving the measurable and enforceable target as well as not defining what we mean by viable.

It would be really great to talk with you about these things. I'm so sorry I'm not as available as I would like to be today. Should we try to talk at 12:30 – I can just call you quickly if we are still stuck at our Dr.'s office (sometimes they're on time, lots of times they are not).

Erin Foresman, Environmental Scientist
USEPA Region 9
C/O NMFS 650 Capitol Mall
Sacramento, CA 95814
916-930-3722

Schedule: M 7:30a - 4:00p; T - F 7:30a - 2:00p

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cont. from 4-11. Shouldn't the adaptive management process/plan at least be formed in the phase

From: Riddle, Diane@Waterboards [<mailto:Diane.Riddle@waterboards.ca.gov>]

Sent: Friday, November 08, 2013 4:02 PM

To: Foresman, Erin; Vendlinski, Tim

Cc: Cabrera-Stagno, Valentina

Subject: RE: Date & time for narrative objective discussion

SED with reference to state-of-the-art Am models? This task is otherwise deferred to the future & its

Hi Erin,

Re: Nov 12- we can discuss your comments before the meeting. Do you want to meet at 12:30?

Re: Nov21- the Bay-Delta Team is the meeting between the State and RBs to discuss Delta issues we are all working on. We don't have a separate Strat Plan meeting. This meeting is every other month. The timing sometimes varies, but is usually 10-12 on the 3rd Thurs. The seniors meeting is monthly, but I think we talked about you guys coming every other month. This is a meeting to internally coordinate my Bay-Delta staff on phases 1 and 2 and BDCP. The times vary based on availability. When you asked to attend some of our meetings I thought we could expand the purpose of this meeting, but to be honest, I really think the fish agency coordination meetings and Bay-Delta team might be a better forum for the kind of issues you want to discuss with us, or that we have targeted discussions. I have suggested and hope that it will occur to split the fish agency meetings between the phases so that we can have more focused discussions without wasting others time. Maybe if there are specific issues you want to discuss that you don't think make sense with the whole fish agency group, we can do that before or after that meeting. I am still open to you attending the seniors meeting as well if you think that makes sense, I'm just trying to be efficient with all the meetings me and my staff have to attend. Since phase 1 and 2 staff attend the seniors meeting, I'm not sure detailed discussions on issues specific to one phase make sense. I also have bi-weekly phase 1 and phase 2 meetings that we could think about using as needed or every 3rd or so meeting. Let me know what you think.

Re- Nov 22, 1-2 works for us. I have reserved a room (1410) and made an appointment with staff. If this needs to change, please let me know.

Thanks,
Diane

From: Foresman, Erin [<mailto:Foresman.Erin@epa.gov>]

Sent: Friday, November 08, 2013 9:17 AM

To: Riddle, Diane@Waterboards; vendlinski.tim@epa.gov

Cc: Cabrera-Stagno, Valentina

Subject: RE: Date & time for narrative objective discussion

Hi Everyone,

Diane and Tim thanks for the quick replies and ideas. I think that a meeting with Diane's group and Tim, Valentina, and myself works to discuss the LSR narrative objective on 11/22 after the SB-EPA quarterly meeting. We're really excited to regularly participate in the Bay-Delta Seniors and the Water Boards Strategic Plan bi-monthly meetings and want to continue doing that. I feel like we got started just in time for a few postponements and the shutdown. It's good timing to figure out how to keep going.

I looked at our calendars and realized maybe I am confused about the different meetings. Here is what I think could work, sprinkled with some questions.

November 12, 2013 – Interagency Phase I meeting – I plan to attend this; Valentina will be away. There are some items about the LSJR narrative objective that are best to discuss first with Diane's team before we talk about them with the larger interagency group. I could go over those with Diane prior to this meeting and/or we could discuss on 11/22 after the state board quarterly meeting. Valentina should be a part of that discussion but she is not available on 11/12.

November 21, 2013 – Bay-Delta Team Meeting (SWRCB, RB2, and RB5). We plan to attend but I thought this meeting was the 'Strategic Plan' Water Board group. We would focus on Action Plan progress and SFBay Improvement Fund items from EPA at this meeting. I have "Bay-Delta Seniors" in my calendar meeting on a Thursday (second Thursday?) from 2:00 PM to 5:00 PM every other month. Is that right understanding of these meetings or do I have it turned around? I agree the discussion about LSJR & tribes narrative objective is better for a smaller group. It could work at the seniors meeting. We missed the last Bay-Delta Seniors meeting b/c it was on October 10. It would happen again, maybe December 12 (?). I don't have that in my calendar right now. We'd like to have the LSR & tribes narrative conversation before that date.

November 22, 2013 – Quarterly EPA State Board Meeting in AM, LSJR & Tribes narrative objective discussion in afternoon? Tim, Valentina and I could meet with Diane's group about the LSJR narrative objective on 11/22 after the SB-EPA quarterly meeting. I don't know what time the quarterly meeting is scheduled but it has been in the 10 to noon time frame in the past. We could tentatively schedule 1:00 to 2:00 on 11/22 for our discussion and confirm once Tim or Diane can confirm the quarterly meeting time. I will send a meeting invitation after that to get it on calendars.

Erin Foresman, Environmental Scientist
USEPA Region 9
C/O NMFS 650 Capitol Mall
Sacramento, CA 95814
916-930-3722

Schedule: M 7:30a - 4:00p; T - F 7:30a - 2:00p

Notes / thoughts on Appendix K

P.2-11 line 11 "Actions outside ~~SWRCB~~ flows" should recognize ^{explicitly} CVRPA doubling goal and the numerical target reference in the APRP.

P.4-11 1st para 5 "Accordingly, State water Board staff will convene an ^{implementation} work group..." The ~~the~~ nature & function of this work group should be spelled-out. Volunteer or paid? Agency-only or mix of agencies, universities, NGOs, water consumers? The Cor. operations group in the last 11 is fleshed out better to develop procedure for adaptive mgmt process. Both of these bodies seem new and separate from IEF, DSP, etc., but shouldn't SWRCB take advantage of those existing groups
cont. -D

use 1
- C. L. K. S.

Chris Carrs
Don
Larry Lindsay

Diane Riddle
Erin Foreman
VCS
Tim V.

~~Don Riddle~~
~~Don Riddle~~

From: Kemmerer, John
Sent: Monday, November 18, 2013 10:45 AM
To: vwhitney@waterboards.ca.gov; 'Thoward@waterboards.ca.gov'; 'jsbishop@waterboards.ca.gov'; 'Caren Trgovcich'; lhaven@waterboards.ca.gov; bevoy@waterboards.ca.gov; 'dpolhemus@waterboards.ca.gov'; 'naquino@waterboards.ca.gov'; 'mlauffer@waterboards.ca.gov'; rasmussen@waterboards.ca.gov; 'SFredericksen@waterboards.ca.gov'; 'Diane Riddle'; phillipcrader@waterboards.ca.gov; Borowiec, Elizabeth; Diamond, Jane; Smith, DavidW; Hashimoto, Janet; Brush, Jason; Ziegler, Sam; Yin, Christina; Eberhardt, Doug; Fleming, Terrence; Guillano, Dave; Mitchell, Matthew; Licata, Juanita; Greenberg, Ken; Wampler, David; Vendlinski, Tim; Li, Corine; Woo, Nancy; Young, Marvin
Subject: FW: SWRCB-EPA Coordination Meeting on 11/22/13

Hi Everyone – Here's the agenda for our next coordination meeting, to be held Friday, November 22 in San Francisco.

SWRCB-EPA Coordination Meeting
Friday, November 22, 2013
10am – Noon
EPA's Office in SF, Room 1209

Dial-In Number(s): (866) 299-3188
Conference Code: 9723733#

Diane's summary

Agenda

10 – 10:15 Bay Delta Update

10:15 – 10:20 ULO Update (see attached summary)

10:20 – 10:30 Grants Update

10:30 – 10:40 Residual Designation Petitions

10:40 – 10:45 FY-13 NPDES Permit Renewal Numbers (we'll provide a handout to tee up a possible more detailed discussion at our next meeting)

10:45 – 10:55 Update on Regional Board wastewater inspection plans

10:55- 11:05 CTR Litigation Update

11:05 - 11:20 Response to Audit of State 401 Cert Program

11:20 – 11:50 Possible Transfer of DW Program

11:50 – Noon Wrap-up, Schedule next meeting

~~schedule~~ Phase I released SED late 2012
revised SED to be issued in FEB/MAR 2013
Refrainments to narrative objective
prog imp
adap

~~Final adoption~~ fall 2014

• Phase II DSG "change questions"
Feb 10 & 11 2014

• working on scientific
basis report

~~27 months~~ until
the release of Phase II
final adoption expedited
Schedule.

~~plan~~ Diane says "doubling goal" remains in the
"plan" so that doesn't change with Phase I. Erin responded asking
whether Phase I could be cross-walked with the W&CP so Phase I
could be "contributing" to doubling goal. Reference made to the 708
brocriteria Jon Rosenfeld proposed to help define "viable". And
reference multiple stressors, multiple parties, uncertainties, climate change
...

Enin "achieve improve flow and habitat conditions."

VCS asked about "perverse" effects the prog. would have on July flows. DR tried to come up with storage rules for

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reservoir to guard against water supply impacts. Other consideration is A's to flood control releases (modeling/simulating flows over the course of the year not just the 5 month window). DR focused on FEB-JUN and one willing to add bio criteria that fit that timeframe. The reason reservoirs are releasing water is for power supply and agriculture, so water will still be released in July. Cont model releases to get rid of all the temp. impacts. SWRCB will go outside the 5 month window to guard against temp impacts.

Temp

Re: Rigorous flow requirements every other year (Herbold) to build overlying fish populations has some traction at the SWRCB.

Enin referenced Gunkel Yip at NOAA thinking on adaptive management.

DR Phase II scientific basis probably year-round. Phase 2 not going back to LSGR; SWRCB will rely on FERC process to potentially augment protections.